

Peter C. McKittrick, OSB No. 852816
pmckittrick@ml-llp.com
Justin D. Leonard, OSB No. 033736
jleonard@ml-llp.com
McKITTRICK LEONARD LLP
111 SW Columbia, Suite 1100
Portland, Oregon 97201
Telephone: 971.634.0190
Facsimile: 971.634.0250

Kenneth R. Davis, II, OSB No. 971132
davisk@lanepowell.com
Mary Jo Heston, OSB No. 030438
hestonm@lanepowell.com
Peter D. Hawkes, OSB No. 071986
hawkesp@lanepowell.com
Skyler M. Tanner, OSB No. 101589
tanners@lanepowell.com
LANE POWELL PC
601 SW Second Avenue, Suite 2100
Portland, Oregon 97204-3158
Telephone: 503.778.2100
Facsimile: 503.778.2200

Joseph C. Arellano, OSB No. 801518
arellano@kwar.com
Susan E. Watts, OSB No. 773845
watts@kwar.com
KENNEDY, WATTS, ARELLANO & RICKS LLP
1211 SW Fifth Avenue, Suite 2850
Portland, Oregon 97204-3733
Telephone: 503-228-6191
Facsimile: 503-228-0009

Attorneys for Defendant Lane Powell PC

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re)
)
KARTAR SINGH KHALSA and) Case Nos. 12-60538-fra11 (Lead Case) and
EWTC MANAGEMENT, LLC,) 12-60536-fra11
f/k/a Golden Temple Management, LLC,) (Jointly Administered)
Debtors.)

KARTAR SINGH KHALSA and EWTC MANAGEMENT, LLC, f/k/a Golden Temple Management, LLC,)	Adv. No. 13-6040-fra
)	LANE POWELL PC'S RESPONSE TO
Plaintiffs,)	PLAINTIFFS' MOTION FOR A
v.)	PROTECTIVE ORDER TO LIMIT
LANE POWELL PC,)	SCOPE OF PLAINTIFF DEPOSITIONS
)	
Defendant.)	

REQUEST FOR EXPEDITED TELEPHONIC HEARING

Because the depositions described below are scheduled to begin on Tuesday, June 25, 2013 at 9:00 am, Defendant Lane Powell PC respectfully requests an expedited telephonic hearing on Monday, June 24, 2013. Movants' counsel Dillon Jackson and the undersigned counsel appearing for Lane Powell are available at 2:30 pm or thereafter.

RESPONSE TO PLAINTIFFS' MOTION

Plaintiff EWTC Management, LLC has asked the Court to issue a protective order prohibiting certain questions at the June 25 and 26 depositions of EWTC Management, LLC and its two managing members, Kartar Singh Khalsa and Karam Singh Khalsa (the "Depositions"). The motion (AP Doc. 30) seeks to restrict Topic 1 in the Notices of Deposition. As described in Topic 1, the three Depositions will address the "basis and nature of any allegations made against Lane Powell." Topic 1 previously referenced the allegations of Plaintiffs' prior filings, such as their Complaint. Lane Powell agrees with Plaintiff's contention that the prior filings have been superseded by the Statement of Objections to Claim 24 (AP Doc. 29) (the "Objection"). Lane Powell's questions will not address allegations that are no longer applicable to the Plaintiffs' action. However, Lane Powell should not be restricted in the Depositions from asking about the basis and nature of the allegations that were made in the pending Objection.

This dispute arises because Plaintiffs' Objection continues to assert that Lane Powell's fee application should be denied because it did "not adequately disclose the [alleged] conflicts of interest in the case[,]” including the alleged "conflict" arising from Lane Powell's alleged "own interest in defending the 2007 Transaction in which it represented the buyer." (Objection, ¶ 4.3.)

Plaintiffs likewise assert that Lane Powell had a conflict in the federal court case before Judge Mosman because Lane Powell was “defending its own interest possibly to the prejudice of the other defendants that it represented” because “Lane Powell was again placed in the position of defending its advice and role in the 2007 Transaction.” (Objection, ¶ 4.7.)

Because Plaintiffs included these alleged, pre-petition conflicts as reasons to deny Lane Powell’s fee application, it is appropriate and necessary for Lane Powell to understand and explore those allegations through the Depositions. Plaintiffs have made the allegations; Lane Powell should be allowed to ask about them. Restricting questions regarding those pre-petition conflicts, which arose prior to the scope of the post-petition representation, would unfairly prejudice Lane Powell in defending itself regarding the conflict-related allegations.

Plaintiffs want to limit the deposition inquiry to the period between February 18, 2012 and December 14, 2012 – the time when Lane Powell was employed by order of this Court and when its fees and costs were incurred in this Case. However, because Plaintiffs’ Objection is based on alleged conflicts that arose prior to Lane Powell’s employment by the Court and that allegedly provide a basis for denying the fee application, Lane Powell is entitled to discovery regarding those allegations. Therefore, the EWTC Management’s motion for a protective order is inappropriate and should be denied in its entirety.

DATED: June 21, 2013

McKITTRICK LEONARD LLP

By /s/ Justin D. Leonard

Peter C. McKittrick, OSB No. 852816
Justin D. Leonard, OSB No. 033736

LANE POWELL PC

Kenneth R. Davis, II, OSB No. 971132
Mary Jo Heston, OSB No. 030438
Peter D. Hawkes, OSB No. 071986
Skyler M. Tanner, OSB No. 101589

KENNEDY, WATTS, ARELLANO & RICKS LLP
Joseph C. Arellano, OSB No. 801518
Susan E. Watts, OSB No. 773845

Attorneys for Defendant Lane Powell PC

CERTIFICATE OF SERVICE

I certify that on the date below, I caused notice of the filing of **LANE POWELL PC'S RESPONSE TO PLAINTIFFS' MOTION FOR A PROTECTIVE ORDER TO LIMIT SCOPE OF PLAINTIFF DEPOSITIONS** to be served on interested parties requesting notice through the Court's CM/ECF system, as well as by first class U.S. mail on the following interested parties requesting notice by mail:

NONE

DATED: June 21, 2013.

By: /s/ Justin D. Leonard
Justin D. Leonard, OSB 033736